



DEP 7 REF

Docket No.: 0475-0198P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Oswald GASSER et al.

Application No.: 10/009,603

Confirmation No.: 4201

Filed: December 11, 2001

Art Unit: 3732

For: SUPPORT MATERIALS AND IMAGING
METHOD FOR INTRAORAL DIAGNOSTIC
PURPOSES

Examiner: R. A. Lewis

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of December 2005 for the above-identified

☒ application ☐ patent

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input checked="" type="checkbox"/> excess independent claims	<u>\$200.00</u>
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

Application No.: 10/009,603

Docket No.: 0475-0198P

- | | | |
|--------------------------|----------------------------------|-------|
| <input type="checkbox"/> | patent maintenance fee | _____ |
| <input type="checkbox"/> | first maintenance fee | _____ |
| <input type="checkbox"/> | second maintenance fee | _____ |
| <input type="checkbox"/> | third maintenance fee | _____ |
| <input type="checkbox"/> | patent maintenance fee surcharge | _____ |
| <input type="checkbox"/> | Other: | _____ |
| | | _____ |
| | | _____ |

TOTAL REFUND REQUESTED

200.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The reason that a refund is being requested is that the Deposit Account was incorrectly charged a fee for an additional independent claim. However, only three independent claims exist such that there is no basis for this charge.

In addition, it is noted that method claims 31 and 46 are proper dependent (not independent) claims which refer back to product claim 17. This type of dependent claims is completely proper according to MPEP 608.01(n) (see Section III. at page 600-80 of Rev. 2004 edition). Consequently, no basis for the charged fee existed.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

Application No.: 10/009,603 ,

Docket No.: 0475-0198P

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: December 14, 2005

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment(s)



**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month: December 2005
Deposit Account Number: 022448
Name: BIRCH STEWART KOLASCH & BIRCH
Attention:
Address: 8110 GATEHOUSE ROAD
City: FALLS CHURCH
State: VA
Zip: 22042
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	1	10009603	0475-0198P	1201	\$200.00	\$11,011
12/01	3	[REDACTED]	085747-0235	1253	\$120.00	\$10,891
12/01	3	[REDACTED]	2907-102P	2402	\$250.00	\$10,641
12/01	4	[REDACTED]	2907-102P	2251	\$60.00	\$10,581
12/01	14	[REDACTED]	4518-0105PUS1	8021	\$40.00	\$10,541
12/01	35	[REDACTED]	3449-0477PUS1	1614	\$800.00	\$9,743
12/01	77	[REDACTED]	2750-1601PUS2	8021	\$40.00	\$9,703
12/01	81	[REDACTED]	2750-1602PUS2	8021	\$40.00	\$9,663
12/01	84	[REDACTED]		9204	-\$500.00	\$10,163
12/01	87	[REDACTED]		9204	-\$65.00	\$10,221
12/01	95	[REDACTED]	0147-0200P	8021	\$40.00	\$10,181
12/01	96	[REDACTED]		9204	-\$525.00	\$10,711
12/01	103	[REDACTED]		9204	-\$500.00	\$11,211
12/01	105	[REDACTED]	3672-0194PUS1	1051	-\$125.00	\$11,331
12/01	106	[REDACTED]	3655-0230PCN1	8007	\$20.00	\$11,311
12/01	358	[REDACTED]	2359-0135US1	7205	\$100.00	\$11,211
12/01	359	[REDACTED]	2359-0135US1	7201	\$400.00	\$10,811
12/01	657	[REDACTED]	4518-0112PUS1	2631	\$150.00	\$10,661
12/01	658	[REDACTED]	4518-0112PUS1	2633	\$100.00	\$10,561
12/01	659	[REDACTED]	4518-0112PUS1	2642	\$200.00	\$10,361
12/01	660	[REDACTED]	4518-0112PUS1	2615	\$125.00	\$10,241
12/01	661	[REDACTED]	4518-0112PUS1	2616	\$180.00	\$10,061
12/01	1336	[REDACTED]	0071-0637US1	7001	\$325.00	\$9,738
12/01	1339	[REDACTED]	0071-0639US1	7001	\$325.00	\$9,413
12/01	1342	[REDACTED]	0071-0638US1	7001	\$325.00	\$9,088
12/01	1958	[REDACTED]	2450-1166US1	7001	\$325.00	\$8,763
12/02	1	[REDACTED]	3673-0120PUS2	1251	\$120.00	\$8,643

United States Patent and Trademark Office
- Sales Receipt -

~~12/01/2005 ENIMMONS 00000001 022448 10009603~~

~~01 FC:1201 200.00 DA~~

Adjustment date: 03/29/2006 SFELEKE1
~~12/01/2005 ENIMMONS 00000001 022448 10009603~~
~~01 FC:1201 200.00 CR~~